

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

STACY ALLEN BLATT,)
)
)
Movant,)
)
)
v.) Civ. Case No. 06-0015-CV-W-NKL
) Crim. Case No. 00-0266-CR-W-NKL
UNITED STATES OF AMERICA,)
)
)
Respondent.)

ORDER

Pending before the Court is Stacy Blatt's ("Blatt") Petition for Certificate of Appealability [Doc. # 21], his Motion for Transcript Order [Doc. # 22], and his Motion to Appeal *In Forma Pauperis* [Doc. # 21]. For the reasons set forth below, the Court denies Blatt's Motions.

I. Certificate of Appealability

The Court previously denied Blatt's Motion to Vacate, Set Aside or Correct Sentence Pursuant to 28 U.S.C. § 2255. *See* Order [Doc. # 18]. An appeal may not be taken from a final order in a section 2255 proceeding unless a district judge or a circuit judge issues a certificate of appealability. *See* Fed. R. App. P. 22(b). A certificate of appealability will be issued only if the applicant has made a substantial showing of the denial of a constitutional right and will indicate which specific issue or issues satisfy the required showing. 28 U.S.C. § 2253(c)(2) and (3). For the reasons set forth in the Court's Order denying Blatt's habeas petition, this case presents issues that are not

deserving of appellate review under the above standard. The Court denies Blatt's petition for a certificate of appealability.

II. Motion for Transcript Order

Blatt requests that the Court produce a copy of the transcript to him and compel the Government to bear the expense associated with it because he is indigent. Blatt has not been approved to proceed *in forma pauperis* and the Court has not previously found him to be indigent. Therefore, there is no basis for finding that he cannot bear the cost of ordering a transcript at the present time. Moreover, given that the Court has found that Blatt is not entitled to appellate review of his claims, the Court will not compel the Government to pay for providing Blatt with a copy of the transcript.

III. Motion to Appeal *In Forma Pauperis*

Also pending is Blatt's Motion to Appeal *In Forma Pauperis*. Blatt states in his Motion that he has filed an affidavit demonstrating his indigent status, but there is no such document before the Court. Therefore, there is no basis for finding that Blatt is indigent and that he cannot afford to pay the costs associated with pursuing his appeal. Blatt's Motion is denied.

IV. Conclusion

Accordingly, it is hereby

- (1) ORDERED that Blatt's Petition for a Certificate of Appealability [Doc. # 21] is DENIED;
- (2) ORDERED that Blatt's Motion for Transcript Order [Doc. # 22] is

DENIED; and

(3) ORDERED that Blatt's Motion to Appeal *In Forma Pauperis* [Doc. # 21] is DENIED.

s/ Nanette K. Laughrey
NANETTE K. LAUGHREY
United States District Judge

DATE: July 31, 2006
Kansas City, Missouri